

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:22-20244-CR-GAYLES/TORRES

UNITED STATES OF AMERICA

v.

FREDERICK LEE ALVIN,

Defendant.

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ORDER

THIS CAUSE comes before the Court on Chief Magistrate Judge Edwin G. Torres’ Report and Recommendation (the “Report”), [ECF No. 105], regarding Defendant’s Renewed Motions to dismiss Counts 3 and 4 of the Government’s Superseding Indictment (the “Renewed Motions”), [ECF Nos. 89; 92]. The matter was referred to Chief Magistrate Judge Torres, pursuant to 28 U.S.C. § 636(b)(1)(B), for a report and recommendation on March 20, 2023. [ECF No. 94]. On May 22, 2023, Judge Torres issued his report recommending that Defendant’s Renewed Motions be denied. [ECF No. 105]. Defendant filed timely objections to the Report. [ECF No. 106].

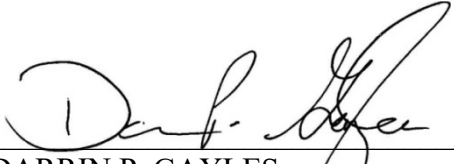
A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*,

208 F. App'x 781, 784 (11th Cir. 2006). Having conducted a *de novo* review of the record, the Court agrees with Judge Torres' well-reasoned analysis and conclusion that Defendant's Renewed Motions be denied.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

- (1) Chief Magistrate Judge Edwin G. Torres' Report and Recommendation, [ECF No. 105], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
- (2) Defendant's Renewed Motion to Dismiss Count 3 of the Superseding Indictment, [ECF No. 89], is **DENIED**.
- (3) Defendant's Renewed Motion to Dismiss Count 4 of the Superseding Indictment, [ECF No. 92], is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 13th day of June, 2023.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE